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THIS WEEK'S FORUM: PAGE 22


# EDUCATION WEEK

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## Lawsuit Challenges New York City's Felton Remedies

### *Claims Chapter 1 Program Is Still Unconstitutional*

**By James Crawford**

The New York City school system's Chapter 1 program is still violating the constitutional separation of church and state, according to a lawsuit filed by the advocacy group that initiated the *Aguilar* v. *Felton* case.

The Committee for Public Education and Religious Liberty, in a statement explaining the suit filed late last month, charges that mobile vans, leased facilities, and "segregated classrooms in public schools" are unconstitutional means of providing remedial services for religious-school students.

According to PEARL, an estimated $9 million spent by the New York City Board of Education on such arrangements this year "reduces the available [Chapter 1] services for eligible public-school pupils and discriminates in favor of religious-school pupils."

Some of the instructional sites, "in effect, serve as annexes to the religious schools," the group argues, "symboliz[ing] government support of the schools and their religious mission."

In its 1985 *Felton* decision, the U.S. Supreme Court outlawed the 20-year-old practice of sending public-school teachers into sectarian schools to teach classes under the

*Continued on Page 16*

## Computer Use Grows In Chapter 1 Classes, New Report Finds

**By William Snider**

WASHINGTON—Computers are playing an expanding and increasingly diverse role in Chapter 1 compensatory-education programs, but administrators and teachers need more training and the benefits of more research before they can realize the full potential of high technology as a remedial aid, according to a new Congressional study.

And while scattered projects using computers to help limited-English-proficient students have shown positive results, such students and their teachers typically make far less use of technology than their peers in regular classes, the report concludes.

The findings were compiled by the Office of Technology Assessment, a Congressional research agency, as part of a comprehensive survey of the use of technology in education. The full study is scheduled to be completed next February.

A staff report on the findings relevant to Chapter 1 and LEP students was released last month to aid Congressional committees considering reauthorization bills for the federal programs that serve such children.

In addition to chronicling the rapid

*Continued on Page 15*

*'Competitiveness' Theme Counters Past Neglect*

## Economic Concerns Aiding Programs for Gifted

**By Ellen Flax**

With "competitiveness" the apparent catch phrase for the 1988 elections, attention in Washington and elsewhere has been drawn to a group of students that some educators say have gotten "short shrift" from the reform movement: the gifted.

Three separate proposals before the Congress would provide funding and create programs to stimulate America's "best and brightest" as a means of supplying the talent needed for economic innovation.

And at the state level, statistics show a recent upsurge in total spending for gifted education, with further increases anticipated next year in a number of states.

"Part of our reform movement is [answering the question]: 'Can our leaders be competitive with the Japanese and the Germans?' " explains James J. Gallagher, professor of education at the University of North Carolina at Chapel Hill. "You're not talking about the bottom when you talk like that."

But while gifted-education specialists applaud the newfound interest in the field, they are cautious about assessing its impact. They note, for example, that effective programs have been unevenly distributed among the states. And the spending increases, they say, have often been added to a very slim base.

More important, they note, the leadership needed for a concerted national push in the field has been lacking since 1981, when the U.S. Education Department dismantled its office of gifted and talented programs.

And, to some, convincing reformers to embrace the gifted

*Continued on Page 17*

LOUISIANA SCHOOL FOR MATH SCIENCE AND THE ARTS

***Gifted students conduct an experiment at the Louisiana School for Math, Science, and the Arts.***

## Quest for Single Voice Spurs Teacher Unions To Discuss Merger

**By Blake Rodman**

Spurred by a vision of forging one strong voice for teachers, leaders of several state affiliates of the nation's two major teachers' unions are holding separate talks on the possibility of merging their organizations.

Union leaders involved in the discussions note, however, that the path toward teacher unity—even at the state level—is strewn with obstacles.

In fact, the leaders say, the formidable political and philosophical differences between the National Education Association and the American Federation of Teachers, as well as their respective state affiliates, may prove to be too great to resolve.

In states where merger talks are under way, union officials said last week that the efforts stand, at best, a 50-50 chance for success.

But the officials were almost undivided in their belief that one strong teachers' organization at the state level would be far better for teaching and education than the current two.

They noted, for instance, that the creation of one state organization would enhance teachers' already considerable political clout, eliminate duplication of services, and enable union leaders to better use money now spent on turf battles between the two rival unions.

"It would certainly increase the influence of teachers, and would take dollars that cur-

*Continued on Page 18*

## In 'Buyer's Market,' Students Are Submitting Record Numbers of Applications to Colleges

**By Robert Rothman**

Colleges are reporting record numbers of applications for admission this year, primarily because students are applying to more institutions than ever before, admissions officers and high-school counselors say.

The growth in multiple applications, they suggest, reflects a desire by students to maximize their options at a time when the college-age population is decreasing, and tuition rates and competition for places at the top schools are increasing.

"In the old days, a kid picked out a school, then waited until he heard from that school before applying to another," said Frank Burtnett, executive director of the National Association of College Admission Counselors.

"Now," he continued, "a student wants to be in a buyer's market. He wants to have two or three acceptances in his desk drawer that he can choose from."

Another factor fueling the trend, he said, is the stepped-up marketing efforts by colleges, which are inviting applications from a broader range of students, such as those outside the colleges' traditional recruiting territories.

Though few national statistics exist, there is one strong indication that applications are up nationwide this year: Seniors taking the Scholastic Aptitude Test in 1986-87 requested that the College Board send 11 percent more score reports to colleges than seniors did last year, according to the board.

This year's increase in applications continues a trend that began in 1980, board officials noted. From 1980 to 1985, applica-

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### Also in the news


**5** **Remedial Schooling Could Inflate Cost of 'Workfare' Proposals**
The majority of welfare recipients may need remedial education to qualify for even the most menial jobs, new data suggest.

**6** **In Some Math, Science Classes, Teachers Use Art of Writing**
Teachers in growing numbers are using writing assignments to help make mathematics and science "come alive" for their students.

**11** **Honig's Army: 2 Million Parents Wanted To Aid California Schools**
In his battle with the Governor and legislature over school funding, the state school chief is organizing a sophisticated political campaign.

## IN SUMMARY

**A Question of Resources**
The complex medical needs of the growing population of "technology dependent" children are taxing the nation's health-care and educational resources, a new federal study concludes. **Story on Page 7.**

**A Merger of Lutheran Schools**
Following the merger of three Lutheran denominations, church educators are weighing issues of accreditation and teacher qualifications for their combined 26,000-pupil school system. **Story on Page 9.**

**New Reforms in Indiana**
In passing one of the few comprehensive school-reform bills being considered nationwide this year, Indiana legislators have pleased the Governor but angered the state teachers' union. **Story on Page 11.**

**New Lobby in California**
Bill Honig, California's state school chief, has helped organize a sophisticated citizens' lobby that is making its opposition to proposed cuts in education spending known at the statehouse. **Story on Page 11.**

**Bilingual Compromise**
Seeking a political consensus on bilingual education, a Senate panel has voted to expand support for "English only" programs and limit the amount of time for native-language instruction. **Story on Page 13.**

**A Fiscal Victory**
Education lobbyists said they were "delighted" last week by the Senate's approval of a fiscal 1988 budget plan that contains a $1.7-million increase for federal education programs. **Story on Page 14.**


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# THE WEEK

## NATIONAL

### 36 Trade Schools Sold For $20 Million, Stock

Jostens Inc., a leading provider of products for education, business, and athletics, has sold its 36 proprietary schools to CareerCom Corporation, a Middletown, Pa., firm that currently operates 40 business and trade schools.

Under terms of the sale, completed last month, CareerCom paid Jostens $20 million in cash and issued 1.7 million shares of stock to the firm. The Minneapolis-based company now owns 20 percent of CareerCom's stock, and will still maintain an interest in the proprietary schools, according to Tamara Peterson, a spokesman for Jostens. "We don't feel we've gotten out of the proprietary-school business," she said. "We have changed the way we are involved in the business."

Left unchanged by the sale is Jostens' education division, which created the proprietary schools in 1983. The division operates the Prescription Learning Corporation, which provides computer-based learning laboratories for schools.

## STATES

### Copyright Suit Against State Agency Dismissed

Software publishers may not sue states and their agencies for copyright infringement because such action would violate the 11th Amendment to the U.S. Constitution granting states "sovereign immunity," a federal judge in California has ruled.

U.S. District Judge Harry L. Hupp last month dismissed a suit against the regents of the University of California, saying that the federal copyright law does not explicitly include states and their agencies among those entities subject to damage claims under the law.

The suit, filed in July 1986 by BV Engineering, alleges that the University of California at Los Angeles allowed some of the firm's software programs to be duplicated and used in a manner prohibited by the copyright law.

The decision is being appealed, according to Kenneth Wasch, executive director of the Software Publishers Association, which will represent the interests of software publishers in the case.

If the appeal fails, Mr. Wasch said, the association will mount a drive to amend the copyright law to include states among those that can be sued for damages.

### Ga. Audit Finds Counties Understate Land Values

Three of Georgia's richest counties could be forced to pump more local money into their school systems next year, following a state audit that accuses them of underestimating property values.

The annual report by the state department of audits, released last month, charges that Cobb, Fulton, and Gwinnett counties have underestimated their real-estate values by an average of 12 percent. The counties, which should have been assessing property at 40 percent of its fair-market value, were assessing it at 30 percent, 29 percent, and 25 percent, respectively, according to Charlie Ridley, the study's director.

The state audit gauges the wealth and taxing efficiency of local governments by comparing the actual prices brought by land sales with the rates at which they are assessed.

The state department of education uses the audit to estimate how much money each school system must contribute to the public schools.

Under Georgia's education-reform act, local school systems are required to raise a certain amount of money for public education, equivalent to a tax rate of five mills. Local systems that raise more than that amount are eligible for extra state funding.

The new audit figures mean that the three wealthy counties could be forced to raise taxes to qualify for the added state dollars.

The Gwinnett County school board, for example, will be required to pay $22.2 million into its own system this year to qualify for $77 million in state funds. Next year, if the new state audit figures are used, that figure could climb to $29.7 million.

### Black Males in Louisiana Said Most Likely To Fail

Black male students in Louisiana are at greatest risk of failing school and being forced to repeat a grade, according to an analysis by Lee P. Gary Jr., a private management consultant.

The study, released late last month, is the first to examine school failure by race and sex since the state began publishing such data three years ago, Mr. Gary said.

In analyzing data from the Louisiana Department of Education for the school years 1983-84 through 1985-86, he found that approximately 57,000 of the 490,000 public-school students in grades 1-8 were not promoted each year. Of those, two-thirds were male and three-fifths were male or female members of minority groups. Of the minority students, 99 percent were black.

Approximately 34 percent of all 1st through 8th graders who failed a grade were black males, even though black males constituted only 21 percent of the students in those grades.

"If you have to pick one given group, based upon sex and ethnicity, the black male is at greatest risk in terms of public education in Louisiana," said Mr. Gary, a former director of education for both the New Orleans Chamber of Commerce and the New Orleans Business Task Force on Education Inc.

Mr. Gary said he plans to take his figures to state legislators in an effort to win support for mandatory full-day kindergarten for all 5-year-olds and mandatory pre-kindergarten for all 4-year-olds.

### 'At Risk' Youths Focus Of Wyoming Revamping

The Wyoming Department of Education will be partially reorganized in an effort to address the problems of "at risk" children, a top state school official said last week.

As many as half of the state's children could be classified as at risk in terms of their potential for dropping out, suicide, drug addiction, abuse, crime, pregnancy, or illiteracy, said Audrey M. Cotherman, deputy state superintendent of public instruction and the author of a new report that outlined the departmental reorganization.

"The whole excellence movement, plus a cutback in state funding, makes us worry about the student who is at risk," Ms. Cotherman said. "They could easily be lost in the system."

The report, "Children at Risk: Roadblocks to Achieving Potential," includes 13 recommendations for expanding or improving state programs to minimize the risks these students face.

The report recommends no additional funding for such programs, however. "We are simply rearranging people and priorities [within the department] to deal with these problems," Ms. Cotherman said. She said she had reassigned six department officials to work on implementing the report's suggestions.

The report will be released officially in two to three months, Ms. Cotherman said.

### 'Double Dipping' Charge Leads to Resignation

New Mexico's top school-finance officer has resigned following accusations that he had been "double dipping" by collecting both a salary and retirement benefits.

Orlando Giron—who, as interim director of the state's Office of Education, oversaw New Mexico's education budget—resigned on April 30.

A veteran of more than 20 years in state government, Mr. Giron was criticized by state legislators earlier this year after it was revealed that he had been drawing from one state retirement fund while paying into another, said Alan Morgan, state superintendent of public instruction.

ADVERTISEMENT

## Where We Stand

**by Albert Shanker**
President, American Federation of Teachers

*Trying to Start Old Wars*

# Collegiality Key to School Reform

A few weeks ago, I addressed the convention of The National School Boards Association in San Francisco. Some years ago the NSBA might have invited me as part of a "know your enemy" program, but recent years have seen a turn toward a more cooperative relationship. Thousands of school board members applauded my speech calling for teacher union and school board cooperation in bringing about a fundamental restructuring of American education.

I left San Francisco with a good feeling. The chances for turning schools around never looked better. Why couldn't it happen in the schools if it was happening in some major American industries?

My hopes were dashed, however, when, a few days later, *Education USA* (April 13th), an education newsletter, reported that Thomas Shannon, NSBA Executive Director, and Jonathan Howe, incoming president, had a very different agenda than labor-management cooperation through collective bargaining. Instead, they were moving to abolish collective bargaining for teachers altogether!

According to the *Education USA* report, the NSBA will "set up a task force to study alternatives" to bargaining in order to "improve collegiality between school boards and teachers. . . .

"Leaders of the group charged that public support of schools is hurt by the adversarial relationship between school boards and teachers during negotiations. Such conflicts, Howe asserted, are 'in no small part the reason that teaching has gone down as to how it is perceived by the public. . . .' Shannon indicated that 'collective bargaining is a massive stumbling block to change. . . . You can't have collegial relations in an adversarial setting.' "

Shannon went on to say, according to the report, that the NSBA "might recommend changes in state law and local practices to phase out collective bargaining in favor of alternatives."

There must be some mistake here. Can anyone imagine General Motors trying to begin a new era of cooperation with the auto workers by starting a campaign to get rid of collective bargaining? GM did exactly the opposite in its Saturn Project in Tennessee. It knew that if it wanted cooperation in producing a new, competitive auto it would have to show that the old union fights were over. So it accepted collective bargaining and the union shop at its new plant. It went so far in accepting union security that it was sued by the Right to Work Committee for being too good to the union.

But what about the basis for the NSBA's charge, an echo of Education Secretary William Bennett's position, that collective bargaining is a major stumbling block to education reform and change?

Admittedly, collective bargaining does prevent school boards from imposing changes against the wishes of teachers. But will such changes necessarily improve the schools? Is imposing change the best way to get the most out of your staff? Or is it better to bring about change through a process like collective bargaining which promotes acceptance, compromise and commitment?

Since 35 states have collective bargaining for teachers and 15 do not, if the NSBA is right, the states that do not have the "massive stumbling block" should be far ahead of those that do on all education indicators. Can the NSBA show that the schools in states like Texas, Arkansas and Georgia, where there is no collective bargaining, are superior to those in California, Florida, or New York, where teachers' unions presumably stand in the way of excellence? The NSBA knows that the opposite is true and that many of the greatest achievements in reform have come through collective bargaining in states where teachers are strong.

Another notion pushed by NSBA is that collective bargaining brings about adversarial relationships and lowers the public's perception of teachers and reduces public support of education. But this ignores the fact that some of the most destructive conflicts and adversarial relationships have taken place in states which have no collective bargaining, in many cases because teachers were perceived as being weak and management was encouraged to try to impose unpopular policies. Cooperation often takes place because both sides know there is no other way.

And is there any evidence that collective bargaining lowers the image of teachers? They weren't particularly held in high regard in the 1960s before they won the right to negotiate contracts. Teachers who have no collective bargaining are not more highly regarded than those who do. And an examination of state education budgets does not support the NSBA's suggestion that collective bargaining by teachers diminishes public support for schools.

The NSBA also needs to study some American history. Adversarial labor-management relations were not created by the Wagner Act. On the contrary. Tremendous violence and conflict existed before the advent of collective bargaining, which was established precisely in order to reduce conflict and to provide for an orderly mechanism to resolve disputes. And that is exactly what collective bargaining has been doing between teachers and school boards. The amount of conflict, the nature of the adversarial relationship, the number of strikes, the number of days lost have constantly gone down. The process works.

American public education is in danger. We have a last chance to convince the taxpayer that it's worth suporting our public schools. If we fail, there may well be a massive shift toward private and parochial schools and increased support for voucher and tax credits for tuition for such education. We need a decrease in adversarial relationships and an increase in cooperation to bring about major school improvements. But that cooperation can only take place if school boards, like management in the private sector, forget the old wars, recognize that collective bargaining is here to stay and return to a truly collegial effort to solve the problems of the future.

Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Ave, N.W., Washington, D.C. 20001.

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## Primary Child-Care Arrangements Used by Employed Mothers for Their Children Under Five, by Age Winter 1984-85

| Type of Child-Care Arrangement | Total | | Age of Child: Under 1 Year | | 1 and 2 Years | | 3 and 4 Years | |
|---|---|---|---|---|---|---|---|---|
| | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| | (Numbers in thousands) | | | | | | | |
| Number of children | 8,168 | 100.0 | 1,385 | 100.0 | 3,267 | 100.0 | 3,516 | 100.0 |
| Care in child's home | 2,534 | 31.0 | 516 | 37.3 | 1,066 | 32.7 | 950 | 27.0 |
| By father | 1,282 | 15.7 | 252 | 18.2 | 528 | 16.2 | 502 | 14.3 |
| By grandparent | 467 | 5.7 | 102 | 7.4 | 208 | 6.4 | 157 | 4.5 |
| By other relative | 306 | 3.7 | 44 | 3.2 | 147 | 4.5 | 115 | 3.3 |
| By nonrelative | 479 | 5.9 | 118 | 8.5 | 185 | 5.7 | 176 | 5.0 |
| Care in another home | 3,020 | 37.0 | 563 | 40.6 | 1,368 | 41.9 | 1,089 | 31.0 |
| By grandparent | 833 | 10.2 | 174 | 12.6 | 361 | 11.0 | 298 | 8.5 |
| By other relative | 368 | 4.5 | 70 | 5.1 | 130 | 4.0 | 167 | 4.7 |
| By nonrelative | 1,819 | 22.3 | 319 | 23.0 | 877 | 26.8 | 624 | 17.7 |
| Organized child-care facilities | 1,888 | 23.1 | 195 | 14.1 | 563 | 17.2 | 1,131 | 32.2 |
| Day/group-care center | 1,142 | 14.0 | 116 | 8.4 | 401 | 12.3 | 625 | 17.8 |
| Nursery school/ preschool | 746 | 9.1 | 79 | 5.7 | 162 | 5.0 | 506 | 14.4 |
| Kindergarten/ grade school | 61 | 0.7 | — | — | — | — | 61 | 1.7 |
| Parent cares for child[1] | 663 | 8.1 | 112 | 8.1 | 267 | 8.2 | 285 | 8.1 |

[1] Includes mothers working at home or away from home.
SOURCE: U.S. Bureau of the Census.

# Census Bureau Finds Working Mothers Increasingly Dependent on Child Care

WASHINGTON—Nearly 25 percent of children under age 5 whose mothers worked were enrolled in organized child-care facilities, such as nursery schools and day-care centers, during the winter of 1984-85, the U.S. Bureau of the Census reported last week.

Furthermore, 14 percent of working mothers' children under age 1 were cared for in child-care facilities, compared with 9 percent in June 1982, according to the bureau's report, "Who's Minding the Kids?"

The statistics indicate that, not only are more women with very young children now in the labor force, but also that they are more heavily dependent on day-care centers as a source of child care.

Among the study's findings:

- Approximately 16.5 million, or 55 percent, of mothers with children under 15 reported that they were in the labor force in 1984-85. The bureau said it did not have comparable data for previous years.
- Nearly 26.5 million children under 15, or 51 percent of all such children in 1984-85, had working mothers. About 8.2 million children age 5 or under, or 45 percent of the total for that group, had mothers who worked.
- About 78 percent of children under age 1 were cared for either in their own homes or other homes. Fourteen percent were cared for in day- and group-care centers.
- About 75 percent of the 18 million school-age children with working mothers spent most of their time in school during the mothers' working hours. One million school-age children said they cared for themselves after school while their mothers were at work.
- Working mothers collectively spent $11 billion on child-care services during the 1984-85 period.

Costs were found to vary on the basis of the type of care. For example, only 10 percent of the women paid more than $50 a week per child if a relative provided the care, while 33 percent paid more than $50 a week per child if a nonrelative or an organized child-care facility provided the care.

- About 30 percent of the preschool children of unmarried working women were cared for in their own homes—about the same as for the children of married working women.

Copies of the report, "Who's Minding the Kids?: Child Care Arrangements, Winter 1984-1985," Series P-70, No. 9, can be obtained by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. —A.P.

# Needs of 'Medically Fragile' Youths Said Unmet

*Continued from Page 7*

population, school systems may offer yet another way to pay for the medical services of technology-dependent children, according to the O.T.A.

### Schools' Burden?

The report addresses the role of schools in serving these children in a separate appendix, described by one O.T.A. researcher as "almost an afterthought" to the report's central discussion of insurance coverage.

However, in discussing the schools' role, the authors predict that the growing presence of technology-dependent children in the schools may lead to some legal and emotional battles.

"Public schools, pressed for funds, may often be reluctant to pay for additional full-time nurses and special transportation vehicles and to assume legal liability for medical care during school hours," the report says. Public and private insurers, meanwhile, may increasingly look to shift more of the financial burden for such services to the schools.

In the end, the O.T.A. says, schools may resort to "giving these children occasional home visits to avoid the extraordinary nursing costs and potential lawsuits"—an alternative that the O.T.A. implies is inadequate.

Currently, 13 of the 50 states surveyed by the researchers have no written guidelines on providing such services in the schools. An additional 13 states provide guidelines only for administering medications to students, and 18 states have guidelines covering some, but not all, medical services for their technology-dependent students. Only 6 states had guidelines for every service such students might require, the report says.

"Clear federal and state policies on this issue could greatly aid in minimizing total costs, encouraging education in the environment most appropriate to the individual children . . . and preventing the emotional and financial stress of legal battles," the report concludes.

Copies of the report, "Technology-Dependent Children: Hospital v. Home Care," are available for $4.75 each by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; or by calling (202) 783-3238. The G.P.O. stock number is 052-003-01065-8.

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